

Amendment No. 1 to SB0271

Briggs

Signature of Sponsor

AMEND Senate Bill No. 271

House Bill No. 229*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 13, Chapter 3, Part 4, is amended by adding the following as a new section:

(a) For a new residential or nonresidential development that is located in whole or in part within six hundred sixty feet (660') of the center point of a natural gas transmission pipeline that was constructed or operated prior to the development, the developer must notify the operator of the natural gas transmission pipeline of the planned development no later than ten (10) days from the date of application for approval of the development, or ninety (90) days prior to commencement of construction, whichever is earlier.

(b) The developer of the development shall provide on a final plat filed with the regional planning commission a note on the plat stating:

The developer has utilized reasonable means to notify the operator of the pipeline to verify the location of the pipeline and the pipeline easement. The

developer has reviewed, or attempted to review, preliminary information about the proposed development with the pipeline operator.

(c) Within sixty (60) days of the effective date of this act, regional planning commissions shall gather raw National Pipeline Mapping System (NPMS) geospatial data about the locations of pipelines from the Pipeline and Hazardous Materials Safety Administration within the United States department of transportation. A regional planning commission is immune from liability related to the approval or construction of such a development when the approval is based upon information as provided in this subsection.

(d) Upon receiving notice of the filing of a preliminary development plan in accordance with this section, a pipeline operator shall provide pipeline location information to the developer within forty-five (45) days, including, but not limited to, the easement or other documents reflecting the actual location of the pipeline, marking facilities on design drawings, and providing maps.

(e) No later than August 15, 2021, a pipeline operator shall file the name of its registered agent with the regional planning commission having jurisdiction.

(f) This section does not exempt developers or natural gas pipeline operators from the requirements of the Underground Utility Damage Protection Act, compiled in title 65, chapter 31.

(g) This section applies only to:

(1) Counties and municipalities that are governed by a regional planning commission for purposes of approving residential and nonresidential developments; and

(2) Preliminary development plans filed on or after the effective date of this act.

(h) A regional planning commission shall not give final approval to a development described under subsection (a) until the requirements of this section have

been satisfied. A regional planning commission may rely solely upon the note submitted under subsection (b), the geospatial data gathered under subsection (c), and the recordation required under subsection (e) when determining whether the requirements of this section have been satisfied for purposes of granting final approval of such development. A regional planning commission is immune from liability related to the approval or construction of such a development when the approval is based upon information as provided in this subsection (h).

(i) As used in this section:

(1) "Natural gas transmission pipeline" means an interstate pipeline, as that term is defined in 15 U.S.C. § 3301(15);

(2) "Operator" means a person who engages in the transportation of gas, as that term is defined in 49 CFR § 192.3;

(3) "Person" means any individual, firm, joint venture, partnership, corporation, association, state, municipality, cooperative association, or joint stock association, and including any trustee, receiver, assignee, or personal representative thereof, as that term is defined in 49 CFR § 192.3; and

(4) "Preliminary development plan" has the same meaning as defined in § 13-3-413(k)(6).

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.